

REMARKS/ARGUMENTS

Applicants wish to thank the Examiner for the careful review of the IDS, claims, specification, and drawings.

Claims

Claims 1 and 16 have been amended to correct editorial problems without the scopes of the claims being changed.

After entry of this amendment, claims 1-21 are pending

It is respectfully submitted that each and every feature recited in the pending claims is fully supported in the application as filed. No new subject matter has been added.

Rejections under 35 USC § 103

The Office Action argues that claims 1-10, 14-17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjerre et al (US Pub. No. 2002/0123911, hereinafter "Bjerre") in view of Lancaster (US Pub. No. 2002/0133456).

The Office Action also argues that claim 16 is an apparatus claim which is parallel to the method of claim 1 and is thus rejected for the same reasons as in rejecting claim 1.

The Office Action also argues that claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjerre in view of Lancaster in further view of Scheer (US Pub. No. US 2002/0138358).

The Office Action also argues that claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjerre in view of Lancaster in further view of Scheer, as applied to claim 11, in further view of Nafeh et al (US Pub. No. 2002/0069155).

The Office Action also argues that claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bjerre in view of Lancaster in further view of Official Notice.

Applicants respectfully request reconsideration of the rejections.

It is respectfully submitted that each of independent claims 1 and 16 includes limitations, in the manner claimed, that are not taught by the cited prior art references, including Bjerre and Lancaster. For example, each of claims 1 and 16 includes the limitations, in the manner claimed, of receiving capacity release data from a plurality of carriers, the capacity release data pertaining at least to two modes of transportation from air mode, sea mode, rail mode, and truck mode; each

of claims 1 and 16 also includes the limitations, in the manner claimed, of bundling capacity releases in accordance with a geographic bundling criterion, thereby creating a plurality of available derivative contracts. Claim 16 also includes the limitations, in the manner claimed, that the number of derivative contracts in the plurality of available derivative contracts is smaller than the number of capacity releases represented by the capacity release data. It is respectfully submitted that claim 16 is an independent method claim.

In contrast, the cited references do not disclose the above example limitations in the manner claimed. Bjerre discloses batching communications from multiple users and batching container records, but Bjerre does not disclose bundling capacity releases. Lancaster discloses that the cruise line can bundle the air transportation into a package, but Lancaster does not disclose a geographic bundling criterion. Lancaster discloses a block space agreement as a distribution agreement or a derivative contract made between a cruise line and an airline. However, Lancaster's bundling/package is a result of executing Lancaster's derivative contract; Lancaster's bundling does not result in derivative contracts. Neither of Bjerre and Lancaster teaches bundling capacity releases in accordance with a geographic bundling criterion to create a plurality of available derivative contracts as required in each of claims 1 and 16.

As another example, claim 1 also includes the limitations, in the manner claimed, of selecting a subset of derivative contracts to satisfy a derivative purchase request, wherein the subset includes at least a first derivative contract for a first mode of the two transportation modes and a second derivative contract for a second mode of the two transportation modes.

In contrast, the cited prior art references do not teach the above example limitations in the manner claimed. Bjerre does not teach derivative contracts. Lancaster's derivative contracts include only one mode, i.e., airline seats provided to the cruise line.

As another example, each of claims 1 and 16 includes the limitations, in the manner claimed, of displaying the plurality of available derivative contracts in the first panel of the computer window on the computer display screen.

In contrast, the cited prior art references do not teach the above example limitations in the manner claimed. Bjerre's information of availability, shipping time frame, and other information are not derivative contracts. Lancaster does not cure Bjerre's deficiencies.

As another example, each of claims 1 and 16 includes the limitations, in the manner claimed, of displaying simultaneously displaying forecast data in the second data section of the

computer window, wherein the forecast data includes demand forecasts made by shippers of demand between the first location and the second location.

In contrast, the cited prior art references do not teach the above example limitations in the manner claimed. Bjerre's response from the carriers, including information of availability, shipping time frame, and other information, is supply information provided by carriers, but not demand forecast made by shippers. Lancaster does not cure Bjerre's deficiencies.

For the aforementioned reasons and others, it is respectfully submitted that independent claims 1 and 16 are novel, non-obvious, and patentable over the cited arts of records, taken alone or in combination.

It is also respectfully submitted that claims 2-15 and 17-21 which depend from at least one of claims 1 and 16 also are novel, nonobvious, and patentable not only due to their dependence from at least one of the patentable parent claims 1 and 16 but also due to their recitation of independently patentable features.

For example, claims 11 and 18 include the limitations, in the manner claimed, that the forecast data includes self-assessed qualitative ratings by the shippers and that the self-assessed qualitative ratings are performed using at least four of a set of criteria that includes demand, manufacturing readiness, manufacturing location, capacity, product, lane, and lane stability. In contrast, the cited references do not teach at least four of the recited criteria.

The Office Action notes that Scheer's excess inventory is related to the stocking level for a location. However, Scheer's excess inventory is not used by shippers to perform self-assessed qualitative ratings. For this reason and others, Scheer does not teach at least four of the recited criteria in the manner claimed.

Accordingly, it is respectfully requested that the rejections be removed.

No new subject matter has been added.

CONCLUSION

In view of the discussion herein, Applicant(s) believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at 408-213-9540.

If additional petition is required to facilitate the entry of the present amendment, please consider this communication a petition therefore as well. The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 50-2284 (Order No. FFRT-P003).

Respectfully submitted,
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